

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2109.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	March 22, 2004
DATE OF REPORT:	April 13, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 10, 2004

COMPLAINT ISSUES:

Whether the Carmel Clay Schools and the Hamilton-Boone-Madison Special Services Cooperative violated:

511 IAC 7-19-1(g) by failing to comply with the requirements of this rule in determining what services the public school is to provide to the private school student.

511 IAC 7-22-1(e)(1)(C) by failing to provide access to federal and state laws pertaining to special education.

FINDINGS OF FACT:

1. The Student is 16 years old and is eligible for special education and related services due to a learning disability and a communication disorder. The Student is a private school (home-schooled) student. The Student attends public school for one general education class period per school day and receives consultation services and speech/language services.
2. The Student's case conference committee (CCC) met on March 3, 2004, within twelve (12) months of the preceding CCC meeting. The following persons attended the CCC meeting:
 - Special education department chair as representative of the school corporation
 - General education teacher
 - Teacher of record
 - Speech/language pathologist
 - Student
 - Parents (2)
3. The CCC Report confirms that the CCC developed, reviewed, or revised the Student's individualized education program (IEP), taking into consideration the general and special factors listed in 511 IAC 7-27-4(c). In particular, the CCC discussed the results of the three-year re-evaluation and other assessments as well as the Student's communication needs.
4. The CCC's deliberations resulted in an individualized education program (IEP) for the period beginning March 4, 2004, and ending March 3, 2005. The IEP contains each of the required components, tailored to the circumstances of a home-schooled student. In accordance with the Complainant's wishes to explore enrollment in a vocational education program while continuing home-schooling in core academic subjects, the School suggested a possible schedule of general education elective classes for

the 2004-2005 school year that would constitute full-time enrollment in the high school, thereby making the Student eligible for enrollment in the vocational education program as a public school student. Both Parents signed the IEP indicating agreement with the IEP as proposed.

5. As the Student is home-schooled, the Parents were the representative(s) of the private school at the CCC meeting on March 3, 2004.
6. The Complainant acknowledges that the School has implemented the IEPs that were in effect during the 2003-2004 school year.
7. Copies of state special education regulations (Article 7) and federal special education regulations (IDEA regulations) as well as the school corporation's special education policies and procedures are available at the high school. The same materials and the federal law (IDEA) are available at the office of the local director of special education. A parent may review these laws in either of the locations.
8. The Complainant made repeated requests for the state and federal law(s) concerning "trade schools" and, in particular, concerning enrollment in the vocational education program administered by a neighboring school corporation. The Complainant did not request federal and state laws pertaining to special education.

CONCLUSIONS:

1. Findings of Fact #2, #3, and #4 indicate that the CCC meeting was initiated and conducted in accordance with 511 IAC 7-27-4 and that the IEP contains all components in accordance with 511 IAC 7-27-6. Finding of Fact #5 indicates that a representative of the private school attended the CCC meeting. Finding of Fact #6 indicates that the implementation of the IEP has not been called into question in this complaint investigation. Therefore, no violation of 511 IAC 7-19-1(g) occurred.
2. Finding of Fact # 7 indicates that the School maintains federal and state laws pertaining to special education in a convenient place. Finding of Fact # 8 indicates that the Complainant sought a copy of law(s) pertaining to vocational education, not local access in a convenient place to federal and state laws pertaining to special education. Therefore, no violation of 511 IAC 7-22-1(e)(1)(C) occurred.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.